

HOUSE BILL 1518

By Rudder

AN ACT to amend Chapter 318 of the Acts of 1901; as amended by Chapter 194 of the Private Acts of 1992; Chapter 195 of the Private Acts of 1994 and Chapter 22 of the Private Acts of 2005; and any other acts amendatory thereto, relative to the charter for the City of Decherd.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 9 of Chapter 318 of the Private Acts of 1901, as amended by Chapter 194 of the Private Acts of 1992, Chapter 195 of the Private Acts of 1994, Chapter 22 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SEC. 9.

(a) The presence of three members of the Board of Aldermen shall constitute a quorum for conducting city business. In the event that the city is unable to convene a quorum after one regular meeting, the Mayor shall then be declared a member for the purpose of constituting a quorum.

(b) If the Mayor, an Alderman or any officer should die, resign or no longer reside in the City, the vacancy will be filled by majority vote of the membership of the Board of Aldermen or by the majority vote of the remaining members of the board at its next meeting, or as soon thereafter as possible. The appointment shall be for the remainder of the term. The Mayor or the city administrator shall fill all vacancies arising in any office, except that of Alderman, until the same shall be filled by the board.

(c) The Mayor or any Alderman may be removed from office by a majority vote of the other members of the Board of Aldermen for a crime or

misdemeanor in office or for grave misconduct, which shall be defined as, but not limited to, the following actions:

- (1) Theft or malfeasance of city funds or property for personal use;
- (2) Misappropriations of city funds, property or use of city personnel time and/or labor for personal use or gain;
- (3) Conviction of a felony, as defined by Tennessee Code Annotated, or crime of moral turpitude;
- (4) Abuse of power by an elected official for personal gain;
- (5) The receiving of money or gifts from private individuals or business entities to influence city business or affairs that shows positive bias toward the individuals or business entities or negative bias toward anyone else with an interest in the city business or affairs; and
- (6) By private or public conduct, showing unfitness for public duty.

(d) The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the accused or published at least two (2) times on two (2) successive publications in a newspaper of general circulation in the city. Pursuant to Tennessee Code Annotated, Title 8, Chapter 47, the hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the board to compel the attendance of witnesses in the accused's behalf. Such vote shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be entered in the journal. Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without further action. Anyone removed under this section shall have the right of appeal. If a vacancy exists due to removal, the open position shall be filled as provided in Section 9 (b).

(e) The Mayor and Aldermen and all officers shall respectively take an oath before entering upon the duties of their office before a person authorized and empowered to administer an oath, to execute the same faithfully and impartially, and the Mayor and Aldermen shall take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Decherd. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.